IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.540 OF 2006

Smita Subhash Thakre. .. Petitioner
v/s.
The Univeristy of Mumbai & anr. .. Respondents

Mr.A.L.Gore i/by Mr. C.J.Abhyankar for petitioner.
Mr.R.A.Rodrigues with Mr.B.U.Phadnis for res.No.1.
Mr.K.K.Jadhav with Mr.J.K.Jadhav for res.No.2.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 1st March 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner herein is a student of respondent No.2-College of Engineering and she is prosecuting her studies for B.E. Degree Engineering Course in Information Technology (IT). The petitioner had a short-fall in her attendance in the 5th semester. She was, therefore, not being allowed to appear for that examination. By an order passed on 25th November 2005 she was allowed to appear for the examination. Subsequently the question of short-fall in attendance was gone into by the Management Council of the University and it has passed the following resolution under item No.34:-

" **Item No.34:**

In the light of the discussion which had taken place in respect of Kum.Smita S. Thakare, a student of K.J. Somaiya College of Engineering, to regularize her admission to B.E. Semester V, the Council resolved that the required period of attendance be condoned only as a Special Case. Further it was resolved that Principal of K.J. Somaiya be asked to complete all the required necessities such as practical work as well as the journal completion and project assignment, if any, at the college level. The Principal be also advised to send the compliance report to the University.

The copies of an application dated 31st January, 2006 of Kum.Smita Subhash Thakare for condonation of her deficiency of attendance and comments of the Principal of K.J.Somaiya College of Engineering, forwarded under her letter No.KJSCE/864/2005-2006 dated 3rd February, 2006 are enclosed herewith for your information."

Thus, the University has condoned the short-fall in the attendance. Now, the result of the petitioner is to be declared. The question of practical work and the completion of journal and the project assignment remains. The University's resolution states that the College has to see to it that the required necessities are completed. It will be for the College to take necessary steps and thereafter declare the results and then report compliance to the University.

3. We add that in the event the petitioner fails in the examination, it will be open to the petitioner to apply for re-valuation to the College within one month from the date of the declaration of the results which is otherwise the period provided for applying for re-valuation. The admission of the petitioner to the 5th semester will stand regularised in view of the condonation of attendance.

4. We further add that as far as the admission of the petitioner to the 6th semester is concerned, that will depend upon the petitioner satisfying the requirements under the relevant rules and passing in the requisite number of papers in the earlier examinations.

5. Petition stands disposed of with the

above order.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)